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Art Unit: 1633

(i) introducing the HSV vector according to claim 37 into the cells and tissues of an organism,

(ii) expressing the gene, protein or peptide of the vector, and

(iii) suppressing the expression of the gene, protein or peptide at a later desired time by administering an antiviral drug, wherein said antiviral drug is aciclovir or ganciclovir."

3. The disclosure is amended as follows:

Page 33, line ²¹~~12~~ replace "dl2.cndot.CALP.cndot..ARR" with "d12·CALP·ΔRR"

4. The following is the examiner's statement of allowance:

The claimed invention is drawn to a specific HSV vector, wherein the HSV vector comprises the calponin promoter set forth by SEQ ID NO: 3. It is noted that SEQ ID NO: 3 is free of the prior art of record. The claimed vector is capable of being expressed in malignant cells without affecting the normal cells. Therefore, the claimed invention as amended *supra* is allowable.

Any comments considered necessary by the applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

KMO
7/14/10